



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,797	12/09/2003	Howard H. Green	EMC100	5739
35083 7590 10/18/2007 CHARLES D. GAVRILOVICH, JR., GAVRILOVICH, DODD & LINDSEY, LLP 985 PASEO LA CRESTA, SUITE B CHULA VISTA, CA 91910-6729			EXAMINER TRAN, PHILIP B	
			ART UNIT 2155	PAPER NUMBER
			MAIL DATE 10/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/731,797

Applicant(s)

GREEN, HOWARD H.

Examiner

Philip B. Tran

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendments

Notice to Applicant

1. This communication is in response to Amendment filed 30 July 2007. Claims 1, 3-4 and 19 have been amended. Claim 2 has been canceled. Therefore, claims 1 and 3-49 are pending for further examination.

Claim Rejections - 35 U.S.C. § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 3-49 are rejected under 35 U.S.C. § 102(e) as being anticipated by Reichmeyer et al (Hereafter, Reichmeyer), U.S. Pat. No. 6,286,038.

Regarding claim 1, Reichmeyer teaches a method of configuring a distributed computer system, the method comprising:

identifying, based on a user-defined autonomy criteria (parameters), a non-autonomous configuration task of a plurality of configuration tasks of an autonomy-based configuration procedure [see Col 9, Line 34 to Col. 10, Line 25];

refraining from executing the non-autonomous configuration task (= manual or partially manual configuration) until authorization is received [see Fig. 6 and Col. 10, Lines 26-53].

Regarding claims 3-5, Reichmeyer further teaches a method in accordance with claim 1, further comprising: identifying the non-autonomous configuration task based on an autonomy criteria (= parameters), and wherein the autonomy criteria specifies at least one non-autonomous configuration task (= manual or partially manual), and wherein the autonomy criteria specify an autonomy policy identifying characteristics of non-autonomous configuration tasks, and wherein the autonomy criteria comprise a plurality of rules for identifying the non-autonomous configuration tasks [see Col. 10, Lines 26-53].

Regarding claim 6, Reichmeyer further teaches a method in accordance with claim 1, further comprising: establishing the autonomy criteria by entering criteria information through a user interface [see Fig. 3 and Col. 10, Lines 26-53].

Regarding claim 7, Reichmeyer further teaches a method in accordance with claim 1, further comprising: executing the non-autonomous configuration task when authorization is received [see Col. 10, Lines 26-53 and Col. 13, Lines 17-40].

Regarding claim 8, Reichmeyer further teaches a method in accordance with claim 1, wherein the non-autonomous configuration task comprises instructions to change a configuration parameter of a device [see Col. 10, Lines 26-53].

Regarding claims 9-14, Reichmeyer further teaches a method in accordance with claim 1, wherein the non-autonomous configuration task comprises instructions to create a configuration object and wherein the non-autonomous configuration task comprises instructions to change a configuration object and wherein the instructions to change a configuration object comprise instructions to associate the configuration object with at least one other configuration object and wherein the instructions to change a configuration object comprise instructions to create an additional configuration object based on the configuration object and wherein the instructions to change a configuration object comprise instructions instructing the configuration object to perform a function upon the configuration object and wherein the instructions to change a configuration object comprise instructions instructing the configuration object to perform a function upon another configuration object [see Col. 3, Lines 6-29 and Col. 9, Line 34 to Col. 11, Line 14 and Col. 13, Lines 13-14].

Regarding claim 15, Reichmeyer teaches a method of configuring a distributed computer system, the method comprising:

retrieving autonomy criteria identifying at least one non-autonomous configuration task that should not be autonomously executed [see Abstract and Fig. 3];

identifying the at least one non-autonomous configuration task by applying the autonomy criteria (= parameters) to each configuration task of an autonomy-based configuration procedure for configuring a distributed computer system [see Col 9, Line 34 to col. 10, Line 25];

requesting authorization for executing the at least one configuration task and refraining from executing the non-autonomous configuration task (= manual or partially manual configuration) until authorization is received from an administrator [see Fig. 6 and Col. 10, Lines 26-53].

Regarding claims 16-18, Reichmeyer further teaches a method in accordance with claim 15, wherein the requesting comprises: generating an inquiry identifying the at least one non-autonomous configuration task and indicating that administrator input is required to execute the unauthorized configuration task and executing the non-autonomous configuration task after the administrator input is received, the administrator input acknowledging the unauthorized configuration task should be executed and aborting the configuration procedure when the administrator input is received, the administrator input indicating the non-autonomous configuration task should not be executed [see Col. 3, Lines 6-29 and Col. 9, Line 34 to Col. 11, Line 14 and Col. 13, Lines 13-14].

Regarding claim 19, Reichmeyer teaches a method of configuring a distributed computer system, the method comprising:

receiving autonomy criteria entered by an administrator through a user interface [see Fig. 3 and Col. 10, Lines 26-53];

retrieving autonomy criteria identifying at least one non-autonomous configuration task (= manual or partially manual configuration) that should not be

executed without authorization, the non-autonomous configuration task resulting in a change of at least one configuration parameter when executed [see Abstract and Fig. 3];

identifying the at least one non-autonomous configuration task by applying the autonomy criteria to each configuration task of an autonomy-based configuration procedure for configuring a distributed computer system [see Col 9, Line 34 to Col. 10, Line 25];

requesting authorization for executing the at least one non-autonomous configuration task (= manual or partially manual configuration) and refraining from executing the non-autonomous configuration task until authorization is received from an administrator [see Fig. 6 and Col. 10, Lines 26-53].

Claims 20-23 are rejected under the same rationale set forth above to claims 15-18.

Claims 24-27 are rejected under the same rationale set forth above to claims 15-18.

Claims 28-41 are rejected under the same rationale set forth above to claims 1-14.

Claims 42-45 are rejected under the same rationale set forth above to claims 15-18.

Claims 46-49 are rejected under the same rationale set forth above to claims 15-18.

Response to Arguments

4. Applicant's arguments have been fully considered but they are not persuasive because of the following reasons:

A/ Applicant argues that Richmeyer does not discuss or show the feature of "identifying, based on a user-defined autonomy criteria, a non-autonomous configuration task of a plurality of configuration tasks of an autonomy-based configuration procedure."

In response to applicant's argument, Richmeyer discloses configuration information for the configuring network device is generated according to the configuration domain. This step of generating the configuration information may be fully manual, fully automatic, or partially manual and partially automatic. Specifically, where a network device is recognized as being located within a specific configuration domain, default configuration parameters for that configuration domain may be identified [see Richmeyer, Col 9, Line 34 to Col. 10, Line 25].

B/ Applicant further argues that the system of Richmeyer does not use user defined autonomy criteria to determine whether a task should be performed autonomously or non-autonomously.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., use user defined autonomy criteria to determine whether a task should be performed autonomously or non-autonomously) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the

specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In fact, Richmeyer discloses configuration information is generated and identified wherein configuration information is fully automatic (autonomous) or manually/partially manual (non-autonomous) [see Richmeyer, Col 9, Line 34 to Col. 10, Line 25].

C/ Applicant argued that Richmeyer does not show or discuss the feature "refraining from executing the non-autonomous configuration task until authorization is received."

In response to applicant argument, Richmeyer teaches when additional configuration parameters outside the default configuration parameters are required, then the system will prompt a system administrator to input appropriate values. At one end of the spectrum, the system administrator may be required to manually input all configuration parameters to construct the configuration information. At the other end of the spectrum, the configuring network device may be fully configurable using default configuration parameters, in which case configuration will be fully automated without system administrator input for the configuring device [see Richmeyer, Fig. 6 and Col. 10, Lines 26-53]. According to this disclosure, one of ordinary in the art would recognize that there exist some forms of authorization from the system administrator.

Therefore, the examiner asserts that the cited prior arts teach or suggest the subject matter recited in independent claims. Similarly, other independent claims 19, 20, 24, 42 and 46 are rejected under the same rationale set forth above. Dependent claims are rejected at least by virtue of their dependency on independent claims and by other

reasons set forth above. Accordingly, claims 1 and 3-49 are respectfully rejected as shown above.

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A SHORTENED STATUTORY PERIOD FOR REPLY TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE MAILING DATE OF THIS ACTION. IN THE EVENT A FIRST REPLY IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CAR 1.136(A) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT, HOWEVER, WILL THE STATUTORY PERIOD FOR REPLY EXPIRE LATER THAN SIX MONTHS FROM THE MAILING DATE OF THIS FINAL ACTION.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Tran whose telephone number is (571) 272-3991. The Group fax phone number is (571) 273-8300. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar, can be reached on (571) 272-4006.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



PHILIP TRAN
PRIMARY EXAMINER
Art Unit 2155
Oct 12, 2007